



Planning and Development Department
Land Use Planning Division

December 22, 2010

Ms. Cathy E. Creswell, Deputy Director
Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

HOUSING POLICY
DEVELOPMENT, HCD

DEC 23 2010

RE: City of Berkeley 2009 Annual Progress Report

Dear Ms. Creswell:

The Annual Progress Report on implementation of the Housing Element, pursuant to Government Code Section 65400, is attached. This report is herein submitted prior to the December 31, 2010 deadline to ensure that the City will meet the eligibility requirements for the Housing Related Parks Program.

The Berkeley City Council adopted the 2009-2014 Housing Element on October 19, 2010. The adopted element is currently under review by the Department of Housing and Community Development. The adopted element was received by HCD on October 26, 2010 and incorporates revisions submitted to HCD in response to information requested in January, 2010.

Progress in meeting regional housing need

The APR was prepared using the Department of Housing and Community Development forms. Table A provides the building activity for 2009 for units in mixed-income, multifamily projects. Table A3 provides 2009 building activity for moderate and above-moderate income units in single family and 2-4 unit projects. Table B provides information on the total number of building permits issued, affordability by income level, and comparison with the regional housing need allocation for calendar years 2007 – 2009.

Effectiveness of the Housing Element in attainment of the community's housing goals and objectives

Chapter 6 of the 2009-2014 Housing Element, "Housing Programs and Quantified Objectives," provides detailed descriptions of the City's housing-related programs and services and discussion of how they address the community's housing goals and objectives. The *Accomplishments* section of the program descriptions provides data on achievements of each program for the period of 2000-2009. Table C in Attachment 2 of the APR provides a program-by-program

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**Annual Progress Report
On the Implementation of the Housing Element**

**General Plan Report Requirement Pursuant to
Section 65400 of the Government Code**

Jurisdiction City of Berkeley

Address Berkeley Planning Department
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Berkeley, CA 94704

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Report Period: from January 1, 2009 to December 31, 2009

The following are attached:

Attachment 1:

- Table A Annual Building Activity Report – Low- and Very Low-Income Units in Mixed-Income Multifamily Projects
- Table A2 Annual Building Activity Report – units rehabilitated, preserved and acquired. *Note: for 2009, the City does not have units rehabilitated, preserved and acquired to report pursuant GC Section 65583.1(C)2*
- Table A3 Annual Building Activity Report – Moderate- and Above-Moderate Income Units
- Table B Regional Housing Needs Allocation Progress – 2007-2009

Attachment 2:

- Table C Program Implementation Status

HOUSING POLICY
DEVELOPMENT, HCD

DEC 23 2010

(CCR Title 25 §6202)

City of Berkeley

1-Jan-09

31-Dec-09

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions					
1	2	3	4				5	5a	6	7	8			
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # final Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.			
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income								
2055 Center St	5+	O	12	11			120	143	143		Inc/DB			
2319 Shattuck Ave	5+	R	2	1			12	15	15		Inc			
2398 Bancroft	5+	R	1				25	26	26		Inc/DB			
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶ ▶									3	8				
(10) Total by income Table A/A3 ▶ ▶ ▶									15	12	3	165	195	184
(11) Total Extremely Low-Income Units*									0					

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Berkeley
 Reporting Period 1-Jan-09 - 31-Dec-09

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c) (7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	3	0	0	0	0	3	3
No. of Units Permitted for Above Moderate	6	2	0	0	0	8	8

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Berkeley
Reporting Period 1-Jan-09 - 31-Dec-09

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	
Very Low	Deed	73	34	15							122
	Restricted Non-dead restricted										206
Low	Deed	29	26	12							67
	Restricted Non-dead restricted										357
Moderate	Deed	5	6								11
	Restricted Non-dead restricted			3							3
Above Moderate		69	364	165							598
Total RHNA by COG.											
Enter allocation number.		2,431									
Total Units		176	430	195							801
Remaining Need for RHNA Period											1,630

Note: units serving extremely low-income households are included in the very low-income permitted units totals. In 2007, 34 ELI units were built in Berkeley.

(CCR Title 25 §6202)

City of Berkeley
1-Jan-09 - 31-Dec-09

Table C

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.
Name of Program	Objective
	Timeframe in H.E.
	Status of Program Implementation
Please see Attachment 2	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction

City of Berkeley

Reporting Period

1-Jan-09 -

31-Dec-09

General Comments:

Table A - 2388 Barcroft (the "Wesley House") includes six dwelling units and 20 group living accommodation (GLA) units, as defined by the City of Berkeley zoning ordinance. The dwelling units each contain five bedrooms, two bathrooms, and a full kitchen. The GLA units each contain four bedrooms, one bathroom, and a kitchenette. The GLA units are accessed from a common hallway. All units can be occupied by persons living as a household and the units are intended to be their usual place of residence. To be considered as a "dwelling unit" under the City of Berkeley's zoning ordinance, the units are required to be occupied by persons living as a household, which in Berkeley is defined as sharing rent and utility payments. The GLA units would be considered housing units based on the US Census definition of Housing Unit and Household because the units are occupied by a group of persons as their usual place of residence (Household) and the units are separate and accessible from a common hallway (Housing Unit).

Table A-2 - The City of Berkeley has numerous programs to assist low-income residents with the rehabilitation of their housing units, however, the City does not believe at this time that these programs meet the reporting criteria of 65583.1(c) and therefore did not count them towards meeting our RHNA. Additionally, no units at risk of conversion were preserved or acquired during this time period.

Table A-3 - Moderate-income single family units included in this table are Accessory Dwelling Units, which are considered affordable to moderate income households because they are limited in size. Recent analysis of the affordability of market rents by income level indicates that moderate income households can afford market rents of units in older structures. Knowledge of market rents for ADUs indicates that rates on ADUs are similar to rates on apartments in older structures.

Table C - Please see attachment 2

Table C

Program Implementation Status

Program Description (By Housing Element Program Name. See Chapter 6 of the Housing Element)	Housing Programs Progress Report - Government Code Sections 65583 Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in HE	Status of Program Implementation 2009
Area Planning coordination with UC Berkeley	Coordinate with UC Berkeley on area planning for SSP and DAP	through 2011	Downtown Area Plan (DAP) was adopted by CC in 2009 (similar version approved by voters in 2010). Southside Plan (SSP) reviewed by PC subcommittee in 2009.
Berkeley Housing Authority	Provide housing assistance for low income residents	ongoing	In 2009, the BHA updated the waiting list and provided rental assistance to over 1600 households.
Boards and Commissions	Facilitate citizen input in City decisions related to housing and services	ongoing	The City held over 100 public meetings in 2009 on topics such as new mixed-use development projects, MHSA funding, condo conversions, and the HTF guidelines.
Condominium Conversion Ordinance	Control the rate of conversion and collect fees to fund aff. housing	ongoing	In 2009, 61 units were approved for conversion. The City made several changes to the ordinance in 2008 and 2009
Demolition Controls and Unit Replacement Requirement	Maintain the number of housing units in Berkeley	ongoing	In 2009, only three duplexes were converted back to SFR and conversion of a 6-plex to a 4-plex was denied.
Energy Conservation Opportunities and Programs, including Weatherization and CESC	Promote energy efficiency in new and existing construction	ongoing	The City launched the on-line solar map in April 2009 and adopted a Climate Action Plan in June 2009. Additionally, 174 units were weatherized by the City and CESC conducted repairs for 179 households.
Fair Housing Assistance, Outreach and Education and programs Addressing Impediments to Fair Housing	Provide fair housing services and education to mitigate impediments to fair housing	ongoing 2010-2015	In 2009, 64 clients were served by Housing Rights, Inc. and 79 were served by EBCL. In 2009, the City prepared analysis of impediments to fair housing for the updated 2010 Consolidated Plan and Action Plan.
Home Modifications for Accessibility and Safety (Rebuilding Together and CIL)	Provide home modifications for accessibility	ongoing	In 2009, 19 units were remodeled by Rebuilding Together and 34 units by the Center for Independent Living (CIL).
Homeless Housing Services and Programs (HHSP)			
HHSP: Everyone Home Plan	Implement the Everyone Home Plan	ongoing	In 2009, the City continued to participate in the Everyone Home Leadership Board.
HHSP: Community Agency Contracting	Provide support services to homeless individuals and families	ongoing	Community agency contracting for HHSP-related programs totaled \$3,125,413 in 2009.
HHSP: Emergency Shelters/SB2	Implement SB2 allowing for by-right emergency shelters	through 2011	In 2009, City staff conducted internal meetings to develop draft recommendations regarding shelter zoning.
HHSP: Centralized bed reservation system	Reduce nightly vacancies in shelters through reservations	ongoing	2009 shelters had an occupancy rate of 93% based on the successful use of the bed reservation system.

Program Description (By Housing Element Program Name. See Chapter 6 of the Housing Element)	Housing Programs Progress Report - Government Code Sections 65583 Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in HE	Status of Program Implementation 2009
	on production of new housing		departmental roundtable, and expedited project reviews in 2009, resulting in land use approvals for two mixed-use projects with 192 units total and building permit approvals for 196 units. Possible constraints continue to be reviewed.
Mortgage Credit Certificate Program	Help low-income households achieve home ownership	ongoing	In 2009, one Berkeley homebuyer purchased their home using the MCC program.
Permit Fee Deferrals for Affordable Housing	Promote affordable housing by allowing fee deferrals	ongoing	No deferrals or waiver were requested in 2009, however two were granted in 2010.
Preserving Units at Risk of Conversion to Market Rate	Preserve BMR units at risk of converting to market rate	ongoing	For the 2009 Berkeley Housing Element, an inventory of units at risk of conversion was prepared. No units were converted during 2009.
Priority Development Area Program	Encourage higher density new development near transit	ongoing	In 2009 the City continued to work on area planning for PDAs in the southside and downtown.
Problem Properties Task Force	Address safety concerns at vacant/blighted properties	ongoing	The City continues to activate the PPTF on an as-needed basis for properties with safety concerns.
Project Review Outreach Efforts	Actively solicit input from Berkeley residents on proposed projects	ongoing	In 2009, the City updated the HTF guidelines and the condo conversion ordinance. Information about all major projects continued to be provided at project sites.
Reasonable Accommodation Ordinance	Process reasonable accommodation requests efficiently	ongoing	No reasonable accommodation requests were processed in 2009.
Redevelopment Agency Tax Increment Set-Aside Funds for Housing Activity	Fund affordable housing through tax increment set-aside funds	to 2020	In 2009, \$31,743 of tax increment set-aside revenues were transferred to the low/mod income housing fund.
Rent Stabilization and Tenant Protections	Rent stabilization and good cause for eviction for Berkeley tenants	ongoing	In 2009, the Rent Board continued education and support for tenants and landlords.
Second Units (Accessory Dwelling Units)	Increase the supply of housing through accessory dwelling units	ongoing	At least three accessory dwelling units were developed in 2009.
Seismic Preparedness Programs	Improve the safety of housing through seismic retrofits	ongoing	In 2009, the City issued over \$200,000 in seismic retrofit rebates. The City has issued citations to 11 URM and 158 soft story buildings that had not complied with City requirements by May 2009.
Senior and Disabled Home Improvement Loan Program	Assist senior and disabled HHs preserve their housing	ongoing	In 2009, three units were rehabilitated with loans from this program.
Tool Lending Library	Assist Berkeley residents with the preservation of the City's housing stock	ongoing	The Branch Library Improvement program that began in 2009 includes replacement of the 5,400 s.f. south branch/ tool lending library with a new, larger 8,656 sq. ft. library.